

Remarks

Reconsideration and allowance are requested in view of the above amendments and the remarks below. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application.

Claims 19-25 and 29-39 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Without conceding the correctness of the rejection under 35 U.S.C. 101, Applicants have amended independent claim 19 to include the features of dependent claim 26, now cancelled, which has not been rejected under 35 U.S.C. 101. Further, Applicants have amended independent claim 29 to include the features of dependent claim 26, now cancelled, and to include the feature of a “computing device.” Support for this amendment can be found, for example, on page 7, lines 1-9 and page 10, lines 1-4, of the specification as originally filed. No new matter is believed added.

Claims 19-21, 29-32, and 40 are rejected under 35 U.S.C. 102(b) over Najork et al. (U.S. Patent No. 6,263,364), hereinafter Najork. Claims 22, 23, 25, 28, 33, 34, 36 and 39 are rejected under 35 U.S.C. 103(a) over Najork in view of Cuomo et al. (U.S. Patent No. 7,366,755), hereinafter Cuomo. Claims 24 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Najork in view of Modi et al. (U.S. Patent No. 6,587,866), hereinafter Modi. Claims 26, 27, 37 and 38 are rejected under 35 U.S.C. 103(a) over Najork and in view of Crocker et al. (U.S. Publication No. 2003/0177194), 10/598,791

hereinafter Crocker. These rejections are defective because the references, taken alone or in any combination, fail to disclose each and every feature set forth in the claims. Further, one skilled in the art would not be motivated to combine the references in the manner suggested by the Examiner.

Regarding independent claim 19, and as admitted by the Examiner in the rejection of dependent claim 26, now cancelled, “Najork does not teach wherein the distributed computing system is a messaging system, the addressing entities are messages and the service providers are clustered queue managers hosting instances of one or more cluster queues.” Applicants agree. In order to remedy the glaring deficiencies of Najork, the Examiner relies on reference to Crocker.

Najork discloses a “web crawler” that is configured to download documents from among a plurality of computers. See, e.g., Abstract. When the thread of the web crawler downloads a page or document, it inspects each URL in the downloaded page. The thread then determines if the web crawler should “enqueue” each discovered URL for downloading. A host identifier of the URL is mapped into a queue identifier using a numerical function to ensure that URLs with the same host name are mapped to the same identifier. See, e.g., column 8, lines 4 – 59.

Contrastingly, Crocker discloses a data replication system in which files placed in a replication directory are replicated and stored in the replication directory of each member of a group. Any change to a replicated file causes a message to be sent to all other members of the group. See, e.g., Abstract; paragraphs [0057] – [0061]).

In combining Najork and Crocker, the Examiner asserts that “it would have been obvious ... to utilize the teaching of Crocker in the system of Najork in order to route messages based on a group identifier.” Applicants disagree and submit that the Examiner’s position is untenable. For example, since Najork is completely silent with regard to messaging in general and to the sending of messages to members of a group in particular, there is absolutely no reason why one skilled in the art would be motivated to incorporate Crocker’s messaging into Nojork’s web crawler system. Clearly, the Examiner’s rationale for combining the references of Najork and Crocker comprises impermissible hindsight because it is based solely on the teachings of the present patent application.

Accordingly, Applicants respectfully submit that independent claim 19 and its corresponding dependent claims are allowable. Applicants further submit that independent claims 29, and 40, and any corresponding dependent claims, are allowable for reasons similar to those set forth above with regard to independent claim 19.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Examiner’s interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. These features have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

/ John A. Merecki /

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